

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAY - 4 2006

FILED
CLERK'S OFFICEFILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA.

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MAY 22 2006

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****MDL-1657- IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION****MDL-1699- IN RE BEXTRA AND CELEBREX MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**EDLA
SEC. L/3

Embry Wayne Hester, etc. v. Merck & Co., Inc., et al., M.D. Alabama, C.A. No. 2:06-242

06-2811

Robert Madere, et al. v. Merck & Co., Inc., et al., D. Kansas, C.A. No. 2:06-2145

06-2812

Beverly Wilhite, et al. v. Merck & Co., Inc., et al., N.D. Texas, C.A. No. 5:06-74

06-2813

Maria Gomez v. Merck & Co., Inc., et al., S.D. Texas, C.A. No. 1:06-55

06-2814

**MDL-1657 CONDITIONAL TRANSFER ORDER (CTO-49)
WITH SEPARATION, REMAND AND
MDL-1699 CONDITIONAL TRANSFER ORDER (CTO-24)**

On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings in MDL-1657 pursuant to 28 U.S.C. § 1407. Since that time, 3,729 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

On September 6, 2005, the Panel transferred 30 civil actions to the United States District Court for the Northern District of California for coordinated or consolidated pretrial proceedings in MDL-1699 pursuant to 28 U.S.C. § 1407. Since that time, 651 additional actions have been transferred to the Northern District of California. With the consent of that court, all such actions have been assigned to the Honorable Charles R. Breyer.

It appears that the actions on this conditional transfer order involve questions of fact which are common to: 1) the actions in MDL-1657 previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon; and 2) the actions in MDL-1699 previously transferred to the Northern District of California and assigned to Judge Breyer. Each of these actions comprises two sets of claims, as follows: 1) claims relating to the prescription drug Vioxx that involve common questions of fact with the previously transferred MDL-1657 actions; and 2) claims relating to the prescription drugs Bextra and/or Celebrex that involve common questions of fact with the previously transferred MDL-1699 actions.

**Inasmuch as no objection is
pending at this time, the
stay is lifted.**

MAY 22 2006

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONCLERK'S OFFICE
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MAY 30 2006

Deputy Clerk, U.S. District Court
Eastern District of Louisiana
New Orleans, LA

Fee _____
 Process _____
 DkId _____
 CtRmDep _____
 Doc. No. _____

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the MDL-1657 transfer order of February 16, 2005, 360 F.Supp.2d 1352 (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

The claims in each action relating to Bextra and/or Celebrex are hereby separated and remanded, under 28 U.S.C. § 1407(a), to their respective transferor courts.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), the resulting Bextra/Celebrex actions are transferred under 28 U.S.C. § 1407 to the Northern District of California for the reasons stated in the MDL-1699 transfer order of September 6, 2005, 391 F.Supp.2d 1377 (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Charles R. Breyer.

This order does not become effective until it is filed in the offices of i) the Clerk of the United States District Court for the Eastern District of Louisiana, and ii) the Clerk of the United States District Court for the Northern District of California. The transmittal of this order to said Clerks shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Michael J. Beck
Michael J. Beck
Clerk of the Panel

**UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

CHAIRMAN:

Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

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United States District Court
Southern District of New York

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Northern District of California

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United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

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May 22, 2006

Loretta G. Whyte, Clerk
C-151 U.S. Courthouse
500 Poydras Street
New Orleans, LA 70130-3367

Re: MDL-1657 -- In re Vioxx Marketing, Sales Practices and Products Liability Litigation

(See Attached CTO-49)

Dear Ms. Whyte:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on May 4, 2006. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

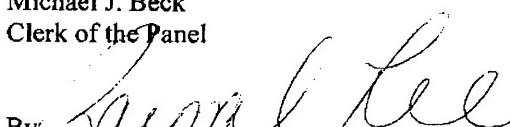
The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

The Panel has ordered that its Rule 1.6(a), pertaining to transfer of files, be suspended for purposes of this litigation. Accordingly, the transferee district clerk shall request, and the transferor district clerk shall forward, only those files deemed necessary by the transferee district court.

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By 
Deputy Clerk

Attachment

cc: Transferee Judge: Judge Eldon E. Fallon
 Transferor Judges: Judge Samuel R. Cummings, Judge John W. Lungstrum, Judge Hilda G. Tagle
 Judge Myron H. Thompson
 Transferor Clerks: Debra P. Hackett, Karen S. Mitchell, Michael N. Milby, Ralph L. DeLoach